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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/693,753	10/24/2003	Purva R. Rajkotia	2003.07.003.WS0	2440

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EXAMINER	
SAFAIPOUR, BOBBAK	
ART UNIT	PAPER NUMBER
2618	
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11/17/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/693,753	RAJKOTIA, PURVA R.	
	Examiner	Art Unit	
	BOBBAK SAFAIPOUR	2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *18 July 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-21* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-21* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

This Action is in response to Applicant's response filed on 07/18/2008. **Claims 1-21** are still pending in the present application. **This action is made FINAL.**

Response to Arguments

Applicant's arguments have been fully considered but they are not persuasive.

In the present application, Applicant essentially argues that Noneman fails to teach a "local address identifier" and that the spreading code, scrambling code, and frequency channel relate to information being transmitted to the mobile station, not information about the mobile device. Furthermore, Applicant argues that "the sections cited by the Examiner of Noneman relate only to information that is transmitted to the mobile device (e.g., the spreading code, scrambling code, and frequency channel)" and that "none of these are items that are used as address identifiers that contain fewer bits than the mobile station ESN value. Therefore, this is information ABOUT the mobile station."

Examiner respectfully disagrees. Noneman discloses that a BS normally will communicate over the forward link with more than one MS at a time by spreading the digital information with a unique spreading code assigned to each MS communicating on a common frequency (read as a local address identifier). The digital information is also scrambled with a unique long code prior to spreading. A particular MS will only receive the information spread with its assigned spreading code (also read as local address identifier) and ignore the information transmitted to another MS. The information spread with other spreading codes appears as background noise and reduces the signal to noise ratio. Although a MS can receive information

spread on any code channel it will be unable to descramble the information without knowing the long code used to scramble the data. (col. 1, lines 14-34)

Noneman further discloses that the spreading code, scrambling code, and frequency channel are assigned to each MS as part of the service negotiation that occurs when a call is originated by the MS or is received by the MS (also read as local address identifier). (col. 1, lines 50-58)

The claim language of the instant application only states "... a base station capable of transmitting broadcast data... compris[ing] a first local address identifier..." The claim language is completely silent with regards to allowing "the use of address identifiers containing fewer bits than the mobile station ESN value" as disclosed in the specification and argued in the Applicant's response.

The simple fact remains that the claims only broadly recite a local address identifier. It has been shown that a local address identifier is taught in the Noneman reference. If the Applicant intends to differentiate between the local address identifier of the present application and the spreading and scrambling code, and frequency channel of the Noneman reference, then such differences should be made explicit in the claims.

As a result, the argued features are written such that they read upon the cited references; therefore, the previous rejection still applies.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Jang et al (United States Patent Application Publication #2005/0025082 A1)** in view of **Noneman (EP 0 828355 A2).**

Consider **claim 1**, Jang et al disclose for use in a wireless network, a base station capable of transmitting broadcast data over a shared traffic channel to a plurality of mobile stations in a coverage area of said base station, wherein said base station is capable of transmitting a first control message over said shared traffic channel to said plurality of mobile stations (abstract, paragraphs 4 and 11-13; The broadcast multicast feature enables a mobile device to receive broadcast data or messages. For example, the mobile may receive a movie clip, text or stock option information using the broadcast multicast feature. Physically the broadcast is one way from the base station to the mobile end-user. The method includes communicating traffic mode broadcast multicast services (BCMCS) program information to mobiles, implementing a traffic channel with a BCMCS monitor request, establishing a shared supplemental channel and providing broadcast request update while the mobile is in the traffic state.).

However, Jang et al fail to disclose wherein said first control message operable to assign a shared public long code mask (PLCM) to said plurality of mobile stations, wherein said broadcast data comprises a first local address identifier and mobile station-specific information.

In related art, Noneman discloses a first control message operable to assign a shared public long code mask (PLCM) to said plurality of mobile stations (col. 1, lines 35-46), wherein said broadcast data comprises a first local address identifier and mobile station-specific information (col. 1, lines 14-53; The spreading code, scrambling code, and frequency channel are assigned to each MS).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teachings of Noneman into the teachings of Jang et al to provide multicast transmission in which the available capacity of the network is maximized.

Consider **claim 8**, Jang et al disclose a wireless network comprising a plurality of base stations, wherein a first one of said plurality of base stations is capable of transmitting broadcast data to a plurality of mobile stations over a shared traffic channel wherein said first base station is capable of transmitting a first control message to said plurality of mobile stations, (abstract, paragraphs 4 and 11-13; The broadcast multicast feature enables a mobile device to receive broadcast data or messages. For example, the mobile may receive a movie clip, text or stock option information using the broadcast multicast feature. Physically the broadcast is one way from the base station to the mobile end-user. The method includes communicating traffic mode broadcast multicast services (BCMCS) program information to mobiles, implementing a traffic

channel with a BCMCS monitor request, establishing a shared supplemental channel and providing broadcast request update while the mobile is in the traffic state.).

However, Jang et al fail to disclose wherein said first control message operable to assign a shared public long code mask (PLCM) to said plurality of mobile stations, wherein said broadcast data comprises a first local address identifier and mobile station-specific information.

In related art, Noneman discloses a first control message operable to assign a shared public long code mask (PLCM) to said plurality of mobile stations (col. 1, lines 35-46), wherein said broadcast data comprises a first local address identifier and mobile station-specific information (col. 1, lines 14-53; The spreading code, scrambling code, and frequency channel are assigned to each MS).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teachings of Noneman into the teachings of Jang et al to provide multicast transmission in which the available capacity of the network is maximized.

Consider **claim 15**, Jang et al disclose for use in a wireless network, a method of transmitting broadcast data from a base station to a plurality of mobile stations in a coverage area of the base station using a shared traffic channel, the method comprising the steps of transmitting a first control message from the base station to the plurality of mobile stations over said shared traffic channel (abstract, paragraphs 4 and 11-13; The broadcast multicast feature enables a mobile device to receive broadcast data or messages. For example, the mobile may receive a movie clip, text or stock option information using the broadcast multicast feature. Physically the broadcast is one way from the base station to the mobile end-user. The method includes

communicating traffic mode broadcast multicast services (BCMCS) program information to mobiles, implementing a traffic channel with a BCMCS monitor request, establishing a shared supplemental channel and providing broadcast request update while the mobile is in the traffic state.).

However, Jang et al fail to disclose wherein said first control message operable to assign a shared public long code mask (PLCM) to said plurality of mobile stations, wherein said broadcast data comprises a first local address identifier and mobile station-specific information.

In related art, Noneman discloses a first control message operable to assign a shared public long code mask (PLCM) to said plurality of mobile stations (col. 1, lines 35-46), wherein said broadcast data comprises a first local address identifier and mobile station-specific information (col. 1, lines 14-53; The spreading code, scrambling code, and frequency channel are assigned to each MS).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teachings of Noneman into the teachings of Jang et al to provide multicast transmission in which the available capacity of the network is maximized.

Consider **claims 2, 9, and 16**, and **as applied to claims 1, 8, and 15, respectively,** Jang et al, as modified by Noneman, disclose the claimed invention wherein said base station is further capable of transmitting a second control message to said plurality of mobile stations, said second control message operable to assign a shared Walsh Code (WC) to said plurality of mobile stations. (Noneman: col. 1, lines 47-58; Transmission of the same data to multiple MS can be done by spreading the information with a different spreading code assigned to each MS)

Consider **claims 3, 10, and 17**, and **as applied to claims 2, 9, and 16, respectively,** Jang et al, as modified by Noneman, discloses the claimed invention wherein said base station transmits said broadcast data to said plurality of mobile stations using said shared PLCM and said shared WC. (Noneman: col. 1, lines 35-46)

Consider **claims 4, 11, and 18**, and **as applied to claims 3, 10, and 17, respectively,** Jang et al, as modified by Noneman, discloses the claimed invention wherein said base station is further capable of transmitting said mobile station-specific information to a first target mobile station by transmitting in said broadcast data a first packet data unit containing said first address identifier associated with said first target mobile station. (Noneman: col. 1, lines 14-53; The spreading code, scrambling code, and frequency channel are assigned to each MS)

Consider **claims 5, 12, and 19**, and **as applied to claims 4, 11, and 18, respectively,** Jang et al, as modified by Noneman, disclose the claimed invention wherein said base station assigns said first local address identifier to said first target mobile station (Noneman: col. 1, lines 14-53).

Consider **claims 6, 13, and 20,** and **as applied to claims 5, 12, and 19, respectively,** Jang et al, as modified by Noneman, disclose the claimed invention wherein said base station is further capable of transmitting multicast information to a first group of mobile stations by transmitting in said broadcast data a second packet data unit containing a second local address

identifier associated with said first group of mobile stations. (Noneman: col. 1, lines 47-58; Transmission of the same data to multiple MS can be done by spreading the information with a different spreading code assigned to each MS)

Consider **claims 7, 14, and 21**, and **as applied to claims 6, 13, and 20, respectively,** Jang et al, as modified by Noneman, disclose the claimed invention for wherein said base station assigns said second local address identifier to said first group of mobile stations. (Noneman: col. 1, lines 47-58)

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any response to this Office Action should be **faxed to** (571) 273-8300 **or mailed to**:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Hand-delivered responses should be brought to

Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Bobbak Safaipour whose telephone number is (571) 270-1092. The Examiner can normally be reached on Monday-Friday from 9:00am to 5:00pm.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Matthew Anderson can be reached on (571) 272-4177. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or 703-305-3028.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist/customer service whose telephone number is (571) 272-2600.

Bobbak Safaipour
B.S./bs

November 11, 2008

/Bobbak Safaipour/

Examiner, Art Unit 2618

/Matthew D. Anderson/

Supervisory Patent Examiner, Art Unit 2618